

REMARKS

Claim Rejections under 35 U.S.C. § 112

Claims 86, 95, 98-101 and 121-125 are rejected for adding new subject matter.

Applicant has cancelled claims 86, 95, 98-101 and 125. This leaves claims 121-124 to be addressed. Applicant respectfully traverses the rejection of these claims. The specification states on pages 3, lines 20-21, that, "The workpiece 16 is often two sheets or plates of material that are butted together at a joint line 18." It should not be assumed that the two sheets or plates are identical in their properties. This is because it is known within the friction stir welding community that it is possible to weld different materials together. The present invention builds upon that knowledge and makes it possible to weld many more different materials together that were not capable of being functionally welded before. Accordingly, Applicant requests that claims 121-124 be allowed.

Nonstatutory Double Patenting Rejection

The application was rejected for non-statutory double patenting with regards to US Patent Nos. 6,779,704 and 6,648,206, and with regards to co-pending application nos. 10/952,548, 10/912,736, 10/846,825, 10/769,551, 10/705,717, and 09/851,597.

Applicant notes that the last application cited, having serial no. 09/851,597, is the parent case (6,779,704) that has already issued. Therefore, Applicant has included a terminal disclaimer for the two issued patents. Applicant has also included a terminal disclaimer for the 5 remaining co-pending patent applications.

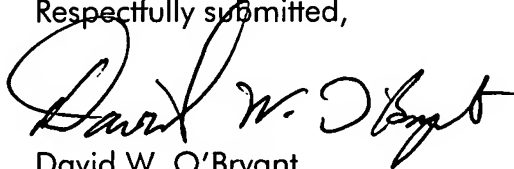
Conclusion

In light of the statements above, Applicant respectfully requests allowance of claims 79-85, 87-94, 96-97, 102-124. If any impediment to the allowance of these claims remains after entry of this Amendment, and such impediment could be alleviated during a telephone interview, the examiner is invited to call David W. O'Bryant at (801) 478-0071 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 50-0881.

DATED this 12th day of January, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David W. O'Bryant", written in a cursive style.

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